

Message Text

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ACTION NEA-11

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E.O. 11652: N/A
TAGS: EINV MO
SUBJECT: LAND EXPROPRIATION CASES

REF: (A) STATE 129078, (B) RABAT 1376, (C) RABAT 0402

1. CLAIM THAT MRS. PELLENC IS OF FRENCH NATIONALITY IN MOROCCAN EMBASSY'S MAY 16 NOTE (REF A) IS FIRST TIME THIS ISSUE HAS BEEN RAISED FORMALLY CONCERNING HER CASE. MFA NOTE 36 OF FEBRUARY 22, 1978 ASKED THE EMBASSY TO CONFIRM THAT MRS. FRANCINE PELLENC TURCAT (MRS. FRANCES KIER PELLENC'S DAUGHTER) WAS A U.S. CITIZEN SINCE, ON THE DEATH OF HER FATHER IN 1972, SHE REPORTEDLY GAVE HER NATIONALITY AS FRENCH WHEN FILING A CHANGE IN REAL ESTATE TITLE. EMBASSY'S MARCH 7 RETURN NOTE RECONFIRMED THAT MRS. TURCAT IS A U.S. CITIZEN, BORN IN PITTSBURGH, PENNSYLVANIA AND THAT SHE HOLDS A CURRENTLY VALID U.S. PASSPORT (SEE PARA 3, REF B). WHILE EMBASSY NOTE OF MARCH 7 DID MAKE CLEAR THAT MRS. TURCAT WAS A U.S. CITIZEN IT DID NOT EXPLICITLY STATE PARA 2, REF A CONCLUSION THAT QUOTE WE THUS SUPPORT HER CLAIM UNQUOTE.

2. MOROCCANS SEEM INTENT ON USING DUAL FRENCH/US NATIONALITY ISSUE TO DISQUALIFY CLAIMS OF TURCAT AND
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POSSIBLY NOW PELLENC AND ARE LIKELY TO INSIST THAT ALL FRENCH CITIZENS WERE ALREADY INDEMNIFIED UNDER THE AUGUST 2, 1974 COMPENSATION AGREEMENT COVERING FRENCH PROPERTIES EXPROPRIATED UNDER THE 1973 LAND RECOVERY DECREE. THE FRENCH SETTLEMENT INCLUDED A LUMP SUM PAYMENT OF DH 104.5 MILLION AS COMPENSATION FOR THE LAND, EQUIPMENT, BUILDINGS AND LIVESTOCK EXPROPRIATED FROM FRENCH CITIZENS. THE

GOVERNMENT OF FRANCE ASSUMED RESPONSIBILITY FOR DISTRIBUTING THIS COMPENSATION. EMBASSY NEEDS GUIDANCE ON HOW TO RESPOND TO GOM CLAIM, WHICH SEEMS SURE TO ARISE, THAT MRS. TURCAT'S (AND POSSIBLY PELLENC'S) DUAL NATIONALITY DOES NOT ENTITLE HER TO BE COMPENSATED TWICE AND THAT ALL FRENCH CITIZENS, WHETHER OR NOT THEY ARE ALSO U.S. CITIZENS, SHOULD ADDRESS THEIR CLAIMS TO THE COMPETENT FRENCH AUTHORITIES.

3. WE ARE SOMEWHAT CONCERENED THAT GOM MAY USE OUR DECISION TO QUOTE CONTINUE THE STATUS QUO UNQUOTE ON THE VOA CASES TO FURTHER DELAY ACTION ON REMAINING PRIVATE CLAIMS. EMBASSY REQUESTS GUIDANCE ON HOW TO RESPOND TO POSSIBLE GOM OFFER TO NEGOTIATE WITH PRIVATE CITIZENS ONLY AFTER THE VOA CASES ARE SETTLED, A TACTIC ALLUDED TO BY MFA EUROPE AND NORTH AMERICAN AFFAIRS DIRECTOR BELKORA (SEE PARA 5, REF C).

4. EMBASSY WOULD APPRECIATE ANY READOUT DEPARTMENT CAN PROVIDE FROM ITT, RCA AND MCHALE (FOR MOURAD) ON STATUS OF THEIR NEGOTIATIONS WITH THE GOM.

5. TO OUR KNOWLEDGE THE FOLLOWING FOUR U.S. CLAIMANTS, IN ADDITION TO TURCAT AND PELLENC, HAVE NOT YET BEEN CONTACTED BY THE GOM: MR. ROBERT SCHNEIDER (SAVE THE CHILDREN FOUNDATION), MRS. NINA TOLEDANO PINTO, MRS. MARGUERITE MCBEY, AND MRS. ELIZABETH LAWTON. EMBASSY IS FOLLOWING UP ONCE AGAIN WITH THE GOM TO URGE CONTACT WITH THESE CLAIMANTS.

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6. DEPARTMENT MAY ON APPROPRIATE OCCASION WISH TO BRING TO MOROCCAN EMBASSY'S ATTENTION THAT NO LAND WAS EVER SEIZED FROM THE TANGIER AMERICAN SCHOOL UNDER THE 1973 DECREE EXPROPRIATING AGRICULTURAL LAND OWNED BY FOREIGNERS. A PORTION OF THE URBAN PROPERTY BELONGING TO THE SCHOOL WAS SOLD TO THE GOM MINISTRY OF EDUCATION IN JANUARY 1977 ON STRICTLY COMMERCIAL TERMS. MOROCCAN EMBASSY'S CITING OF THIS SALE AS EVIDENCE OF MOVEMENT TOWARD SETTLEMENT OF THE CURRENT CLAIMS ARISING FROM THE 1973 DECREE IS THEREFORE MISLEADING. SIMILARLY, A CLEAR DISTINCTION SHOULD BE MADE BETWEEN GOM RESTITUTION OF LAND WRONGLY SEIZED UNDER MOROCCAN LAW (MRS. VIRGINIA BIENFAIT, GOODYEAR, AND AZROU AND AIN LEUH ORPHANAGES) AND COMPENSATION FOR RURAL LAND LAWFULLY EXPROPRIATED UNDER THE 1973 DECREE. IT IS THE LATTER WHICH IS NOW AT ISSUE.

7. ACTION REQUESTED. EMBASSY REQUESTS GUIDANCE ON:
(A) WHETHER MOROCCAN EMBASSY IS NOW QUESTIONING MRS. PELLENC'S CITIZENSHIP OR HAS SIMPLY CONFUSED HER WITH MRS. TURCAT; (B) HOW TO RESPOND SHOULD GOM DECIDE THAT MRS. TURCAT AND POSSIBLY MRS. PELLENC ARE DUAL FRENCH/US NATIONALS AND SHOULD THEREFORE ADDRESS THEMSELVES TO THE

GOVERNMENT OF FRANCE FOR COMPENSATION; AND (C) HOW TO RESPOND
SHOULD GOM OFFER TO NEGOTIATE WITH PRIVATE U.S. CLAIMANTS
ONLY AFTER VOA CASES ARE SETTLED. EMBASSY WOULD ALSO
APPRECIATE READOUT ON STATUS OF RCA, ITT AND MCHALE (FOR
MOURAD) NEGOTIATIONS.
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